



STATE OF MICHIGAN  
BUREAU OF ELECTIONS  
LANSING

May 23, 2022

**REVIEW OF NOMINATING PETITION**

**TOM BARRETT**  
Republican Candidate for U.S. Representative in Congress, 7th District

**NUMBER OF VALID SIGNATURES REQUIRED:** 1,000 signatures.

**TOTAL FILING:** 1,480 signatures.

**RESULT OF FACE REVIEW:** 1,434 facially valid signatures, 46 invalid signatures.

Total number of signatures filed		1,480
Jurisdiction errors (no city in county known by name given by signer, dual jurisdiction entry, jurisdiction name given by signer does not align with address)	Less:	11
Date errors (no date given by signer, date of birth entered, or date given by signer is later than circulator's date of signing)	Less:	9
Circulator errors (circulator did not sign or date petition, etc.)	Less:	23
Miscellaneous errors (signatures of dubious authenticity where the petition signature does not match the signature on file or multiple signatures appear to have been written by the same individual, etc.)	Less:	3
<b>TOTAL</b>		<b>1,434</b>

Staff's face review of Tom Barrett's petition sheets identified 46 invalid signatures and 1,434 facially valid signatures.

**CHALLENGE:** Congresswoman Elissa Slotkin challenged<sup>1</sup> the heading of the petition submitted by Mr. Barrett. The challenge alleges that the heading of the petition is insufficient because it contains both Charlotte and Carmel Township and because Mr. Barret has provided his zip code – information not required by Michigan Election Law:

<sup>1</sup> MCL 168.552 requires the challenge be made in a "sworn complaint." The Bureau's and Board's interpretation has been to require that challenges must be submitted in a document that is notarized. While the challenge does contain a statement that it is made under penalty of perjury, because it is not made on a notarized document, staff would reject the challenge. However, even if the challenge were procedurally proper staff would recommend rejecting it on the merits as explained in this report.

# NOMINATING PETITION

(COUNTYWIDE PARTISAN)

\* The "Countywide" Partisan Petition form may be used by any partisan candidate. Exception: the form may not be used by a partisan candidate who seeks the office of County Commissioner; such candidates must use the "City/Township" Partisan Petition form.

We, the undersigned, registered and qualified voters of the County of Livingston, and State of Michigan, nominate Thomas More Barrett 3086 Valley Hwy, Charlotte, MI 48813  
 Carmel Township as a candidate of the Republican Party for the office of United States Representative in Congress/Jan 2025 7  
 (City or Township) (Name of Candidate) (Street Address or Rural Route) (District, if any)  
 to be voted for at the Primary Election to be held on the 2nd day of August, 2022 (Title of Office/Term Expiration Date)

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Rep. Slotkin argues that the addition of both the Charlotte mailing address and the Carmel Township jurisdiction should render each sheet invalid as it constitutes a dual entry. She argues that *Stand Up for Democracy v. Sec'y of State*, 492 Mich 588 (2012) requires strict compliance with MCL 168.544c and Michigan courts routinely reject petitions for not strictly complying with MCL 168.544c (citing *Delaney v. Board of State Canvassers*, 2016 WL 3365337, at \*2 (Mich Ct App, June 16, 2016)).

Staff recommends rejecting this challenge because the jurisdiction entries are both correct and Carmel Township is wholly contained within Charlotte. First, Mr. Barrett's registration information is as follows:

BARRETT, THOMAS MORE				3086 VALLEY HWY CHARLOTTE MI, 48813							
VOTER		NTHADDR		✓MAILING ADDR		DISTRICT		STATUS		HISTORY	
*REGISTRATION DATE				VOTER ID		CCD		IVF			
01/18/2018				[REDACTED]		NONE		N			
*LAST NAME				*FIRST NAME		MIDDLE NAME		SUFFIX		*GENDER	
BARRETT				THOMAS		MORE				MALE	
FORMER NAME						*DATE OF BIRTH					
						[REDACTED]					
HOUSE NUMBER		H SFX	PREFIX	STREET NAME		TYPE		S SFX		RES EXT	
3086				VALLEY		HWY					
POST OFFICE CITY				STATE		ZIP CODE		FIND ADDRESS			
CHARLOTTE				MI		48813					
LAST 4		PHONE NUMBER		*ID CONFIRMED		PERM AV		PERM ACCESSIBLE			
				CONFIRMED							
DIGITAL SIGNATURE						UOCAVA STATUS					
PRIMARY ✓						NON-UOCAVA					
SECONDARY											

**VOTER DETAILS**

**STATUS:** ACTIVE

**COUNTY:** EATON

**JURISDICTION:** CARMEL TOWNSHIP

**PRECINCT:** 00001

**WARD:** NONE

**SCHOOL DISTRICT:** CHARLOTTE PUBLIC SCHOOLS

**POLLING LOCATION:** CARMEL TOWNSHIP ... 661 BEECH HWY CHARLOTTE, MI 48813

**OPERATOR:** DL@0

**ENTRY DATE:** 12/18/2008

Since Mr. Barrett is registered in Carmel Township, he could have listed Carmel Township in the heading of the petition. However, since his mailing address is Charlotte, he also could have listed Charlotte in the heading. The addition of both does not render the petition heading invalid where both are correct.

Additionally, while voters signing the petition are only required to list one jurisdiction, there is no such requirement for candidates. The purpose of the requirement for voters to provide one jurisdiction is so staff can verify the city of registration for the voter when determining signature validity. Candidates are not subject to the same requirements.

Similarly, the addition of the zip code does not render the petition invalid. Staff disagrees with the challenge's interpretation of *Stand Up for Democracy* and *Delaney*. The challenge is correct in asserting that a zip code is not a mandatory element under MCL 168.544c and that candidates must strictly comply with the requirements of 544c. However, *Stand Up for Democracy*, *Delaney*, and other cases issued from Michigan Courts have considered *omissions* of mandatory elements under 544c that render the entire sheet invalid. See *Stand Up for Democracy* (requiring the Board to reject a statewide petition drive containing an incorrect font size); *Delaney* (finding

the Board properly rejected a candidate petition which failed to provide the street name of the candidate); *Aiello v. Sabaugh*, 2016 Mich App LEXIS 1214 (June 21, 2016) (finding that the rejection of petition sheets excluding the date of the primary election was proper).

Recent case law also makes clear that the *addition* of information not required by the statute does not render the entire petition invalid – even if the information is incorrect. *See Comm. to Ban Fracking in Mich. V. Sec’y of State*, 2020 Mich. App. LEXIS 2563 (finding that the inclusion of the incorrect election date in the heading of a statewide initiative did not render the entire petition sheet invalid); *Raise the Wage MI v. Bd. Of State Canvassers*, 970 N.W. 2d 677 (Mich. 2022) (finding that the inclusion of a printer’s union label containing improper font size on a statewide petition sheet did not invalidate the petition because the statute “neither expressly nor implicitly precludes the inclusion.”).

Accordingly, staff recommends that the challenge be rejected.

**STAFF RECOMMENDATION:** Determine petition sufficient.